

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Josef Laumen et al.
Serial No.: 10/520,767
Date Filed: February 9, 2005
Group Art Unit: 2456
Confirmation No.: 2866
Examiner: Patel, Ashokkumar B.
Title: **MMS MESSAGE TRANSFER METHOD
AND SYSTEM**

MAIL STOP – AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby submit the following interview summary and request for withdrawal of the Advisory Action mailed on April 15, 2010.

INTERVIEW SUMMARY

The currently pending Office Action was mailed on January 6, 2010. The Office Action has a check mark in box 2a *and* 2b, indicating that the Office Action is both final *and* non-final.

On January 13, 2010, an employee of King & Spalding, Scott Richard, contacted the Examiner to clarify the classification of the Office Action. As is standard business practice, Mr. Richard made a contemporaneous notation in the file that reads: "1/13/10 -- Per discussion with Examiner Patel, rejection is NON-FINAL. -- SMR." This conversation was also relayed orally to the undersigned attorney.

On March 15, 2010, the undersigned attorney for Applicants participated in an interview with Examiner Patel. The undersigned attorney's summary of this interview is as follows:

The undersigned presented certain proposed amendments (previously faxed to Examiner Patel). Examiner Patel presented his high-level view of the prior art, including cited references and general knowledge of networking protocols, and explained the impact of *KSR* on the analysis. The undersigned attorney inquired as to any recommendations the Examiner might provide and received none. The Examiner indicated that he would submit an interview summary.

On March 24, 2010, the Examiner mailed an Interview Summary directing the undersigned to submit his own summary of the March 15 interview in the office action response or within 30 days.

Also on March 24, 2010, without knowledge of the Interview Summary submitted by Examiner Patel, the undersigned submitted a response to the January 13, 2010 Office Action noting the interview and indicating the undersigned's belief that the Examiner would submit an interview summary and offering to submit one if needed.

On April 15, 2010, an Advisory Action was mailed referring to the January 13, 2010 Office Action as being final.

On April 20, 2010, the undersigned attorney left a voicemail for Examiner Patel and Examiner Patel promptly returned the call. The undersigned explained the problem with the January 13, 2010 Office Action. In response, the Examiner acknowledged that an Advisory Action was not proper. Further, the Examiner requested this interview summary and indicated that he would withdraw the Advisory Action and submit a final rejection or other communication.

CONCLUSION

Applicants have submitted the required interview summary. In addition, Applicants believe that the Advisory Action is improper and respectfully request its withdrawal.

Applicants believe no fees are due; however, should the Commissioner deem that any additional fees are due, including any fees for any additional extensions of time, the Commissioner is hereby authorized to debit said fees from deposit account number 50-4871.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.457-2031.

Respectfully submitted,
KING & SPALDING LLP
Attorney for Applicants



Truman H. Fenton
Registration No. 64,766

Date: April 21, 2010

SEND CORRESPONDENCE TO:
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